

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

DIRECTV, INC.

PLAINTIFF

VS.

CIVIL ACTION NO.2:03CV378-WAP-JAD

DONNIE KYLES

DEFENDANT

REPORT AND RECOMMENDATION

On March 22, 2004, the summons was returned executed upon the defendant. No answer was filed, and default was entered on May 26, 2004. Plaintiff's motion for default judgment was filed on February 9, 2005.

Accordingly, it is recommended that the motion be granted, that judgment for the plaintiff be entered in the statutory amount of ten thousand dollars and for a reasonable attorney's fee and costs of \$850.00 based upon the affidavit from plaintiff's counsel.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72.2(D) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within ten days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted, this 13th day of April, 2005.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE